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Attorney for Plaintiff

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

BEVEN Y. BYRNES,	)	
	)	
Debtor.	)	Case No.: 18-33226-pcm7
	)	
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BEVEN Y. BYRNES,	)	
	)	Adv. Proc. No.:
Plaintiff,	)	
	)	
vs.	)	
	)	COMPLAINT TO DETERMINE PARTIAL
STUDENT LOAN SOLUTIONS, LLC,	)	OR TOTAL DISCHARGEABILITY OF
NAVIENT SOLUTIONS, LLC,	)	PRIVATE STUDENT LOAN
NATIONAL COLLEGIATE STUDENT	)	OBLIGATIONS
LOAN TRUST 2005-2, AND NATIONAL	)	
COLLEGIATE SUTDENT LOAN TRUST	)	(11 USC 523 (a) (8))
2006-4,	)	
	)	
Defendants.	)	
	)	
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COMES NOW, the Plaintiff, Beven Y. Byrnes, by and through  
her attorney, Richard J. Parker and alleges as follows:

Debtor Plaintiff filed chapter 13 bankruptcy on September  
17, 2018, and received a discharge on July 23<sup>rd</sup>, 2024. This is a

1 core proceeding pursuant to 28 USC 1334 and the Bankruptcy Court  
2 has jurisdiction over this action pursuant to 11 USC 523. The  
3 Plaintiff hereby consents to the entry of any Final Order or  
4 Final Judgment by the Bankruptcy Judge in the above captioned  
5 adversary proceeding. Venue is proper.

6 2

7 The Plaintiff owes an alleged private student loan to  
8 Student Loan Solutions, LLC, in the approximate amount of  
9 \$35,000. This loan was originally owned by Bank of America.  
10 Payments were made prior to the filing of her chapter 13 case.  
11 The plaintiff borrowed \$27,000 at 13.932% in 2007. This private  
12 loan has no option for income driven repayment and is in  
13 default.

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15 The plaintiff owes an alleged student loan debt to Navient  
16 Solutions, LLC in the approximate amount of \$50,500. A loan of  
17 \$27,000 was taken out in 2007 and another \$27,000 in 2008. The  
18 Debtor has made payments on these loans. These private loans  
19 have no option for income driven repayment and this debt is now  
20 in default.

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22 The debtor also owes alleged student loan debts to National  
23 Collegiate Student Loan Trust 2005-2 in the approximate amount  
24 of \$27,096 (originally borrowed \$15,000 at 8.268% from Bank of  
25 America in 2005) and to National Collegiate Student Loan Trust

1 2006-4 in the approximate amount of \$49,590 (originally borrowed  
2 \$27,000 at 13.161% from Bank of America in 2006). Payments have  
3 been made on these obligations. Judgments have been entered  
4 against the Plaintiff, and she has been garnished by National  
5 Collegiate.

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7 Debtor is 49 years old and is the Director at a non-profit  
8 special education middle school. She has 8 year old twin girls.  
9 The Debtor has been diagnosed with stage 3 metastatic cancer and  
10 while she in remission at present she is still undergoing  
11 treatment which will continue for the foreseeable future. She  
12 has recently been on medical leave and disability. Not all of  
13 this treatment is covered by insurance, and she incurs at least  
14 \$10,000 per year in uninsured medical expenses. Debtor has used  
15 best efforts to minimize expenses and increase her income during  
16 the time she was working and has made good faith efforts to make  
17 payments on the various student loan debts. Despite her annual  
18 income, she will never be able to pay all the student loan debts  
19 in full as her present situation is expected to continue for the  
20 foreseeable future. If Plaintiff were to be required to pay all  
21 the private student loan debt as is contractually required, as  
22 well as being garnished, she would not be able to maintain a  
23 minimal standard of living for herself and her family. The  
24 situation will become worse in the future due to inflation.  
25 After payment of normal expenses, the Plaintiff has virtually no

1 surplus income. Given her age, medical condition, assets, income  
2 potential and the unavailability of any feasible repayment  
3 program for the loans, no options are available other than a  
4 total or partial hardship discharge of the private loans.

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6 Despite the discharge of other debts in her bankruptcy, the  
7 debtor is struggling to keep up with other obligations.  
8 Plaintiff has only about \$120,000 in retirement accounts and  
9 drives a 2021 Jeep - a car which is shared with her non-debtor  
10 spouse.

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12 Plaintiff will establish that she has made her best efforts  
13 to pay her student loan obligations, her inability to do so is  
14 through no fault of her own, and the conditions that make full  
15 repayment impossible will persist for the foreseeable future.

16 8

17 In addition, it is believed that one or more of the above  
18 referenced loans were in excess of the "cost of education" and  
19 are therefore dischargeable regardless of hardship and in fact  
20 have already been discharged by her general discharge.

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22 The above indicates that the Plaintiff is entitled to a  
23 partial or total hardship discharge pursuant to 11 USC  
24 523(a) (8) .

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2 The Plaintiff reserves the right to amend this complaint  
3 before or after service as facts develop and proper parties and  
4 dollar amounts are determined.

5 WHEREFORE, Plaintiff prays that the court enter a partial  
6 or total discharge of the student loan indebtedness as to all  
7 Defendants.

8 Dated this 9th day of May 2024.

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10 /s/ Richard J. Parker  
11 RICHARD J. PARKER OSB # 800945  
12 Attorney for Plaintiff  
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